

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 05-cr-30046-MAP
)	
)	
EDUARDO PAGAN,)	
Defendant.)	

THE GOVERNMENT'S AND THE DEFENDANT'S STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(B)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Attorney Robert Astor, hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written orders.

1. The government has provided automatic discovery to the defendant pursuant to Fed.R.Crim.P. 16.1 (C) and 116.2 of the Local Rules of the United States. The government has requested reciprocal discovery pursuant to Fed.R.Crim.P. 16(B)(1)©. The Government has ordered transcripts of the video and audio recordings relevant to this case, and will provide the transcripts to the Defendant upon receipt. The government expects to receive the transcripts by December 15, 2005. The parties do not anticipate outstanding discovery issues with respect to the pending indictment.

2. The Defendant does not intent to raise either an insanity defense nor a defense of public authority.

3. The government has requested notice of alibi. The

Defendant has not yet responded with notice of alibi.

4. Counsel for Defendant is not yet certain as to whether he will file any motion to sever, dismiss, or suppress on behalf of the Defendant.

5. The parties agree that the time from the status date, October 26, 2005, through December 8, 2005 is excludable from the Speedy Trial Act in the interests of justice pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1),(2), and (3). Accordingly, the government requests that the Court issue an order indicating that the time from initial appearance to the present is excludable pursuant to Local Rule 112.2(B).

6. The parties are unclear at present whether this case will be resolved pursuant to a trial or a change of plea.

7. The government anticipates additional charges being brought against the Defendant on or about December 8, 2005. The parties agree that it is premature for a motion date to be established under Fed.R.Crim.P. 12©, and the parties agree that it is appropriate to schedule a further status conference at this time.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

Robert Astor, Esq.
Counsel for Eduardo Pagan